

JUL 03 2006

Patent Application No. 10/726,387

Attorney File No. 63833-5028

Remarks

Applicants have amended claims 1, 14 to 17, 19, 20, and 27 to 31. Claims 6 and 18 have been canceled. Accordingly, claims 1 to 5, 7 to 17, and 19 to 31 remain pending in this patent application. Applicants now address each and every one of the issues raised by the Examiner in the above-identified Office action as follows:

I. Claim Objections

Applicants have presented claims 9 to 33 in this Amendment in renumbered form as claims 8 to 32 and in view thereof respectfully request that the objection to the claims be reconsidered and withdrawn.

II. Claim Rejection Under Section 102

Claims 1 to 5, 7 to 12, 16, 17, 19 to 21, 23, 24, 26 to 28, 31 and 32 have been rejected under 35 U.S.C. § 102 as being allegedly anticipated by U.S. Patent No. 6,454,027 (Fang). Applicants have amended independent claims 1, 16 and 19 to clarify that its composite construction comprises first and second material phases that are selected from the same materials or precursor materials for forming a material selected from the group "consisting of polycrystalline diamond, polycrystalline cubic boron nitride, and mixtures thereof." Independent claim 32 also includes such a limitation.

Fang discloses a polycrystalline diamond composite material comprising a plurality of granules formed from polycrystalline diamond, polycrystalline cubic boron nitride, or mixtures thereof, distributed in a substantially continuous matrix region that was formed from a cermet material. In the Office action the Examiner makes reference to FIG. 8 of Fang and asserts that the material phase 62 surrounding the polycrystalline diamond granule comprises a material selected from the group consisting of polycrystalline diamond, polycrystalline cubic boron nitride, and mixtures thereof. Fang, however, discloses that the material 62 surrounding the diamond granule is formed from a metal or cermet material, and does not disclose that such material is polycrystalline diamond or polycrystalline cubic boron nitride.

Since Fang does not disclose each and every feature of Applicants' composite construction as recited in these independent claims, Applicants submit that such claims are not anticipated by Fang. In view thereof, Applicants respectfully request that the rejection of

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independent claims 1, 16, 19 and 32, and the above-noted claims depending respectfully therefrom, under 35 U.S.C. § 102 be reconsidered and withdrawn.

III. Allowed Claims

Claims 13 to 15 have been identified as being allowed and Applicants acknowledge with appreciation this allowance and hereby accept the same.

IV. Allowable Claims

Claims 22, 25, 29 and 30 have been identified as being allowable if rewritten into independent form. Applicants acknowledge with appreciation the Examiner's noted allowability of these claims, however, believe that such claims are currently allowable without having to be rewritten by virtue of their dependence from independent claims 1 and 16 for the reasons presented in Section II of these remarks.

V. Conclusion

For the reasons presented above, Applicants respectfully request that the objection to the claims and the rejection of the claims under 35 U.S.C. § 102 be reconsidered and withdrawn, and that claims 1 to 5, 7 to 17, and 19 to 31 be passed to allowance. If, after evaluating this Amendment the Examiner does not believe that the claims are in condition for allowance, Applicants respectfully requests that the Examiner please call its below-identified patent attorney to discuss the same.

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

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If any additional fees are necessary for this matter, please charge our Deposit Account  
No. 10-0440.

Respectfully submitted,

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Dated: 2/3/06

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